



Entered on Docket
December 07, 2009

A handwritten signature in black ink, appearing to read "Mike K. Nakagawa".

Hon. Mike K. Nakagawa
United States Bankruptcy Judge

WILDE & ASSOCIATES

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Wells Fargo Bank, N.A.
09-76726

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEVADA**

In Re:

Edgardo Mallari and Elizabeth Mallari

Debtors

BK-09-27759-mkn

Date: 11/10/09
Time: 9:30 a.m.

Chapter 13

ORDER VACATING AUTOMATIC STAY

IT IS HEREBY ORDERED, ADJUDGED AND DECREED that the Automatic Stay in the above-entitled bankruptcy proceedings is immediately vacated and extinguished for all purposes as to Secured Creditor Wells Fargo Bank, N.A., its assignees and/or successors in interest, of the subject property, generally described as 8338 Gardenia Hills Avenue, Las Vegas, NV 89178, and legally described as follows:

Lot 175, of final map of MONTEREY MANOR AND COVE AT MOUNTAIN'S EDGE, as shown by Map thereof on file in Book 119 of Plats, Page 8, in the office of the County Recorder of Clark County, Nevada.

IT IS FURTHER ORDERED, ADJUDGED and DECREED that the Secured Creditor shall give Debtors at least five business days' notice of the time, place and date of sale.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that Secured Creditor hereby withdraws its secured Proof of Claim filed in this matter. The Secured Creditor shall notify the Trustee of

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1 the completion of the foreclosure sale. If applicable, Secured Creditor may thereafter amend its secured
2 Proof of Claim to an unsecured Proof of Claim no later than forty-five (45) days after the foreclosure sale.

3 DATED this ____ day of _____, 2009.

4 Submitted by:

5 **WILDE & ASSOCIATES**

6 By: /s/Gregory L. Wilde, Esq

7 **Gregory L. Wilde, Esq.**
8 Attorney for Secured Creditor
9 208 South Jones Boulevard
10 Las Vegas, Nevada 89107

11 APPROVED / DISAPPROVED

12 By: _____

13 Laura L. Fritz
14 625 South Sixth Street
15 Las Vegas, NV 89101
16 Attorney for Debtor(s)

17 Nevada Bar No: _____

18 APPROVED / DISAPPROVED

19 By: _____

20 Kathleen A Leavitt
21 201 Las Vegas Blvd., So. #200
22 Las Vegas, NV 89101
23 Chapter 13 Trustee
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1 ALTERNATIVE METHOD RE: LOCAL RULE 9021:

2 In accordance with Local Rule 9021, the undersigned counsel certifies as follows (check one):

3 ☐ The court waived the requirements of LR 9021.

4 ☐ No parties appeared or filed written objections, and there is no trustee appointed in the case.

5 ☒ I have delivered a copy of this proposed order to all counsel who appeared at the hearing, any
6 unrepresented parties who appeared at the hearing, and any trustee appointed in this case,
and each has approved or disapproved the order, or failed to respond, as indicated below
(list each party and whether the party has approved, disapproved, or failed to respond to the
document):

7 (List Parties)

8 Debtor's counsel:

9 ☐ approved the form of this order ☐ disapproved the form of this order

10 ☐ waived the right to review the order and/or ☒ failed to respond to the document

11 ☐ appeared at the hearing, waived the right to review the order

12 ☐ matter unopposed, did not appear at the hearing, waived the right to review the order

13 Trustee:

14 ☐ approved the form of this order ☐ disapproved the form of this order

15 ☐ waived the right to review the order and/or ☒ failed to respond to the document

16 Other Party: _____

17 ☐ approved the form of this order ☐ disapproved the form of this order

18 ☐ waived the right to review the order and/or ☐ failed to respond to the document

19 Breach Order:

20 ☐ This is an Order Vacating the Stay after the Failure to cure a Declaration of Breach. Copies of
21 this proposed order were transmitted to Debtor's counsel and appointed trustee to which
22 they have not replied

23
24 Submitted by:

25 /s/ Gregory L. Wilde, Esq.

Gregory L. Wilde, Esq.

26 Attorney for Secured Creditor